



Appeal Decision

Site visit made on 3 March 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/L3245/W/22/3307987

New House Farm Sleaf, Billmarsh Farm to Airfield Farm, Sleaf, Harmer Hill, Shropshire SY4 3HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Lewis against the decision of Shropshire Council.
 - The application Ref 22/02915/FUL, dated 22 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is described as 'Erection of an extension to an existing workshop to create a live/work unit'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development having regard to local and national planning policy.

Reasons

3. The appeal site is on land associated with New House Farm, located in the countryside approximately two kilometres outside of the village of Wem. New House Farm is an existing dwelling, set in a spacious plot, accessed via a long private drive. It also contains several outbuildings, including an existing workshop/timber store which the appeal proposal relates to.
4. In addition to the existing adjacent dwellinghouse at New House Farm, surrounding nearby uses include a non-residential training centre, a poultry farm and Sleaf Airfield. The proposal would therefore not be isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework).
5. Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (adopted 2011) (the 'Core Strategy') sets out the approach for development in rural areas, promoting development that enables communities to become more sustainable. This includes through focusing development within Community Hubs and Community Clusters and not allowing development outside these settlements unless it complies with other relevant policies.
6. Furthermore, Core Strategy Policy CS5 and Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev) seek to promote sustainable practices through strictly controlling developments in the countryside. Various exceptions are set out under the

policies, which would improve the sustainability of rural communities by bringing local economic and community benefits. Exceptions include small scale new economic development that diversifies the rural economy. Such proposals are expected to take place in recognised settlements or be linked to other existing development and business activity, whilst the need and benefits of the proposed development are also required to be demonstrated. Additionally, development involving the conversion of rural buildings that make a positive contribution to the character of the buildings and countryside are also encouraged, including for live/work units.

7. The appellant indicates that the proposal would be occupied by a family member who is a qualified carpenter and already uses the on-site workshop as part of his profession. The proposed development therefore offers the opportunity for the occupier to live and work on site, thereby eliminating the need for a daily commute.
8. I have no reason to doubt the intended use of the proposal. However, it would not be possible to guarantee that this remained the case in perpetuity, with no suitable planning conditions that could address this matter. The appellant has indicated that a legal agreement could be used to tie the use of the residential accommodation to that of a live/work unit, but no such legal agreement is before me.
9. Additionally, the proposal is not within a named settlement, whilst this may only be an expectation of Policy CS5 as opposed to a requirement, the appellant has not quantified potential benefits to the local economy/community. It has also not been satisfactorily demonstrated that there is a specific need for the development to take place at this site. I have no reason to believe that the carpentry business is reliant upon the provision of the proposed live/work unit or that it would be adversely affected without the development.
10. The proposed residential extension would be subservient in scale to the existing workshop, whilst also being of a suitable scale and design that would integrate with the existing building. However, the appeal scheme would not involve the conversion of a rural building that is deemed to make a positive contribution to the character of the building or countryside.
11. Accordingly, the proposed development would not adhere to any of the exceptions outlined under Core Strategy Policy CS5 or MD7a of the SAMDev.
12. I note the encouragement that Policy CS13 of the Core Strategy provides for home-based enterprises, including the development of live-work schemes. However, as reflected by the policy, development in rural areas must also remain in compliance with Core Strategy Policy CS5.
13. The appellant has also put forward arguments relating to the various policies within the Framework. Notably, Paragraph 84 of the Framework provides support for the sustainable growth and expansion of all types of business in rural areas. However, the support for rural economic development in the Framework is not unconditional, or at the expense of ensuring the delivery of sustainable forms of development.
14. Indeed, Paragraph 85 of the Framework provides further policy detail in respect of meeting local business and community needs within the countryside.

Amongst other matters, it highlights that in locations beyond existing settlements and those not well served by public transport, it will be important to ensure development exploits any opportunities to make a location more sustainable. The use of sites that are physically well-related to existing settlements are also specifically encouraged.

15. Despite the proposal not being for an isolated dwelling, the site is not well related to existing settlements. Meanwhile, facilities and services nearby to the appeal site are limited, including public transport options. The site context is also not suitable to encourage walking or cycling as a means of transport, with a general lack of pavements and streetlighting along nearby country roads. Therefore, occupier(s) of the proposed development are likely to be heavily reliant on the use of private motor vehicle(s), the least sustainable transport option.
16. In rural areas the potential for alternative means of transport is often limited, but there is little evidence to suggest that opportunities to make the site more sustainable are being pursued. The proposal would result in the appellant's family member having a reduced need to travel to work. However, given the remote nature of the site to most facilities and services required for daily needs, additional residential accommodation in this location is likely to result in an increase in travel by private vehicle.
17. Furthermore, whilst there may be social and economic benefits associated with the proposal these are likely to be limited due to the scale and nature of the development and business practice. As previously indicated, there is also no suggestion that the existing business is reliant upon the proposal or would be adversely affected without the development. As such, I afford the social and economic benefits only limited weight. The benefits that the appeal scheme would deliver to the rural community would not outweigh the harm caused by its unsustainable location.
18. The Framework is also clear that the starting point for decision making is the development plan. I have no reason to doubt that the relevant development plan policies that seek to limit development within rural areas are in alignment with the Government's objectives for sustainable economic growth, including supporting a prosperous rural economy.
19. Overall, the appeal site is not a suitable location for the proposed development having regard to local and national policies. The proposal conflicts with Core Strategy Policy CS5 and Policy MD7a of the SAMDev. It would also not adhere to the overall aims of the Framework in respect of promoting sustainable development.

Other Matters

20. The appellant has highlighted that should the business fail, and the residential element of the proposal no longer be required, then the accommodation could be converted to an annex or tourism use. However, the appeal has been determined on the proposal before me, while I have been given little evidence as to whether an annex/tourism use in this location would comply with the Council's relevant planning policies. Accordingly, my decision does not turn on this matter.

21. My attention has been drawn to an appeal (ref: APP/H1840/W/21/3281804) for a live/work unit in another authority area that was located some distance from the nearest settlement. Although the main issue in that appeal surrounded highway safety, the Inspector also found it was acceptable for occupants of the proposal to travel a considerable distance for services and facilities. I have only limited details of that proposal, but it is clear that the Inspector undertook a balancing exercise between the desirability of supporting sustainable rural employment and sustainable transport opportunities. It is also apparent that the context of that development was different to the scheme before me (e.g. local policy considerations, site context). As such, it does not alter my conclusion on the current proposal.
22. The appellant raises questions as to how the Council is interpreting its development plan policies by referring to an application (ref: 22/02001/EA) for the expansion of a poultry farm nearby to the appeal site. However, I have no details of the decision on that application or the site's planning history. The context of that development though is likely to be materially different to that before me, given that it relates to an existing agricultural enterprise that is likely to be facing alternative issues.
23. The proposal's lack of harm in respect of other planning issues (e.g. character and appearance of the countryside, highway safety, living conditions of neighbours etc) is to be expected of development proposals and does not overcome the above identified policy conflicts.
24. I note the appellant's frustration with the service received by the local planning authority, but this is a matter for the Council to address. The appeal has been determined on its own merits.

Conclusion

25. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR